

April 10, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, April 10, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Ken Mowery, Elaine Stiller, Jeff Smith, DeeDee Wright, Sean Reid, Leigh Ann Loeblein, Rodney Queen, Fred Dula, Eldridge Williams, John Daniels, Brian Miller

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of March 27, 2001, were approved as published.

NEW BOARD MEMBERS

Chairman Wright welcomed new in-town Board members Brian Miller, Rodney Queen, and Eldridge Williams. Ms. Wright also recognized Lou Manning who has been recommended to the County Commissioners as an extraterritorial jurisdictional member. Mr. Manning has not been formally appointed by the Commissioners.

ZONING MAP AMENDMENTS

Z-5-01 Bruce Taylor, 2515 Statesville Boulevard
Location: 2515 Statesville Boulevard
Size: Approximately 38,115 square feet
Existing zoning: B-CS Convenience Service Business
Proposed Zoning: B-RT Business Retail Trade

(a) Chairman Wright convened a courtesy hearing on Z-5-01.

Those speaking in favor of the zoning change request:

Bruce Taylor, 378 Lakeview Road, Mocksville - wishes to relocate his business to his adjacent lot due to the realignment of the intersection of U. S. 70 and Majolica Road which will run right through his present business.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

John Daniels – Has no problem with B-RT for this site, but the Board needs to keep in mind the Hendrix Barbecue rezoning request which is located nearby.

Ken Mowery – It's only fair since the state is taking his property and the petitioner's adjacent property where his business is now located is already zoned B-RT. Moved to recommend the rezoning as proposed. The motion was seconded by John Daniels with all members voting AYE.

Z-6S-01 Mattox Distributing Co., Inc., 1103 Statesville Boulevard

Location: 1103 Statesville Boulevard (vacant service station)

Size: 16,500 square feet

Existing Zoning: B-CS-S Special Convenience Service Business with the following permitted uses: (1) Automobile service (or filling) stations, but excluding the major overhaul and repair of motor vehicles; (2) Offices—business, professional and public—but excluding any office in which retail trade is conducted or a stock of goods is maintained for wholesale or retail trade.

Proposed Zoning: B-CS-S Special Convenience Service Business with the above-mentioned permitted uses plus the following new permitted use: convenience store

(a) Chairman Wright convened a courtesy hearing on Z-6S-01.

Those speaking in favor of the zoning change request:

Mr. Hilary Gbunblee – wants to give a facelift to the area; property has been vacant for a long time and needs some development; wants to provide sundry shopping for the surrounding neighbors, business offices, medical offices, radio station staff as a place for lunch or refreshments; need for a grocery store in that area because the nearest is at the corner of Statesville Blvd. and West Innes and Jake Alexander Blvd. and Statesville Blvd. in the other direction.

Those speaking in opposition to the zoning change request:

John Henderlite, 3 North Road – Four years ago he appeared before the Planning Board and presented a comprehensive zoning plan for a large area along Statesville Blvd. that included the “S” district for this particular site. The plan proposed office/commercial use from the Brian Nursing Home to a new office park that was being developed on Dorsett Drive. Office use was chosen as it is the one commercial zoning use that is most compatible with the residential area. Office use tends to include limited hours of operation, no significant negative traffic impact, limited signage, and no noxious odor or excess waste. The zoning for the vacant service station was changed to B-CS-S in order to have a common uniform office zoning area. Adding a convenience store as a permitted use would be a significant departure from the intended office use zoning. A convenience store would have extended hours of operation and would probably generate more traffic than a filling station. This is a small lot. Having a lot of traffic coming into a convenience store on a small lot on a busy four-lane highway could be a safety issue.

Jake Alexander, 8 Woodland Road – He, John Henderlite, staff and Planning Board spent almost a year putting together a comprehensive 25-acre look at this property. He visited approximately 20 neighbors throughout the Milford Hills and Meadowbrook areas and was able to forge an alliance with the neighborhood. To change that commitment which was made in the

rezoning four years ago would be going back on a lot of work that a great number of people put into this project. Four years ago Mattox Distributing Co. indicated on their rezoning request that they wanted to bring the service station into conformity, make physical improvements including moving the building further back from the street and add canopies over the pumps.

Mike Mangam, co-owner of Radio Station WSTP, 1105 Statesville Boulevard – They are adjacent property owners to the service station. Why would a convenience store be needed when you already have convenience stores 7/10 of a mile in one direction and 9/10 of a mile in the other direction on Statesville Boulevard. What problems are going to crop up due to the hours of operation of this convenience store. There will be traffic problems with people making left-hand turns into a convenience store.

Dr. Norman Sloop, Statesville Boulevard – This property has been abandoned for a number of years. He is speaking for a number of neighbors who are present at today's meeting. When he and his neighbors agreed with Messrs. Henderlite and Alexander on their proposed rezoning requests four years ago, they agreed only if there were extremely restrictive covenants.

(One person stood in favor of the rezoning; approximately 15 people stood in opposition.)

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – Policy 5.4 states that neighborhood commercial centers should be located adjacent to a collector street and/or secondary street and near other neighborhood facilities such as schools and parks. This is not a location that serves this purpose. This already dangerous stretch of road could become a lot more dangerous if there were a lot of turning in and out of a convenience store at that location.

Sean Reid – Agrees with neighbors. This would be an intrusion for the neighborhood.

Fred Dula – This decaying service station is out of character with the area. He moved to recommend denying the request. The motion was seconded by Jeff Smith with all members voting AYE.

Z-7-01 Burgess and Associates, Inc., Sunset Drive near U. S. 29

Location: Two parcels bounded on two sides by Sunset Drive and Jake Alexander Boulevard and located approximately 375 feet north of the intersection of Sunset Drive and U. S. 29 (South Main Street)

Size: Approximately 7 ½ acres

Existing Zoning: LLI-2 Limited Light Industrial-2 District

Proposed Zoning: RD-A Residential Development-A with HD High Density multi-family residential overlay

(a) Chairman Wright convened a courtesy hearing on Z-7-01.

Those speaking in favor of the zoning change request:

Dan McCormick, Concord – With the High Density overlay, he could build 127 units on the 7 ½ acre site but only proposing 108 units for the site; the location is good for an entrance with a good site distance.

Butch Kennedy, 910 Stokes Street, China Grove – Better to put apartments on this site rather than businesses which will generate more traffic. Not enough nice apartment complexes in this area.

Those speaking in opposition to the zoning change request:

Rachel Mesimer, 418 Sunset Drive – Area is covered up with apartments. Traffic is already a problem on Sunset Drive.

Five people stood in favor of the rezoning and one stood in opposition to the rezoning.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen – Property lends itself well to apartments. Due to the topography of this land, it would very costly to develop and felt that the high density request was appropriate.

Sean Reid – There are four major roads around this site which could absorb the higher volume of traffic.

Jeff Smith – Now is the time for city to consider high density. Concerned with traffic on Sunset. If the placement of the driveway is appropriate, most of the traffic should flow into South Main Street.

John Daniels and Eldridge Williams – Agrees with RD-A for the area but does not think the high density overlay is appropriate.

Leigh Ann Loeblein – RD-A is good downzoning since LLI-2 zoning is not appropriate at this location.

Ken Mowery moved to recommend the rezoning as proposed. The motion was seconded by Brian Miller with all members voting AYE except John Daniels who voted NAY. Motion carried.

Z-8-01 Richard Ridenhour, Filbert and Roy streets

Location: Two parcels located at the intersection of Filbert and Roy streets

Size: Approximately 27,300 square feet

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: R-6A Multi-Family Residential

(a) Chairman Wright convened a courtesy hearing on Z-8-01.

Those speaking in favor of the zoning change request:

Rick Ridenhour, 408 Division Avenue, Rockwell – Wants to use property in order to maximize his investment. Has talked with adjoining neighbors who do not object to his proposed plans.

Those speaking in opposition to the zoning change request:

None

Chairman Wright acknowledged receipt of letters from Bill Jarrett with Superior Oil Company and Summie Carter of Summersett Funeral Home speaking in favor of the rezoning.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Fred Dula – The proposed apartments would be an improvement to the whole area.

Jeff Smith moved to recommend the rezoning as proposed. The motion was seconded by Sean Reid with all members voting AYE.

GROUP DEVELOPMENTS

G-1-2001 Wal-Mart Super Center, South Arlington Street

Hubert Furr, Development Services Manager, explained to Board members that this site plan has been reviewed by staff several times. There are eight items which Wal-Mart must meet before this plan can be taken to City Council for their approval. These items include approval of the flood study by FEMA; grading in the controlled access area of I-85 shall be approved by NCDOT; the posting of a guarantee of street construction; approval by City Council for a third driveway; the roadway on the east side of the property shall remain a private driveway because the design does not meet the city's standards for a public street; need for a maintenance agreement with the city concerning the embankment and spillway structure; building elevation materials and colors shall be in substantial conformance with submitted elevation drawings; and roadway approval from the Corp of Engineers before construction begins.

The Technical Review Committee is also recommending the following three requirements:

(1) Sidewalks furnished at strategic locations within the parking lot to facilitate pedestrian access to the building. Enhanced landscaping and plantings should be incorporated to make the walkways attractive. Approximately 1,000 parking spaces are being provided by Wal-Mart. In order for pedestrians to get from the back of the lot to the store, they will have to walk through the driving lanes. Staff feels that for pedestrian safety, sidewalks should be provided beginning at both of the two entrances and extending to the end of the parking lot, or at least half-way through the lot. This will, however, eliminate a number of parking spaces. Wal-Mart says the reduced number of parking spaces will not be sufficient parking for what they require.

(2) No tents, outside storage or other accessory structures shall be allowed within the parking area. Any outside displays shall be within the designated storage areas as shown on the elevation drawings.

(3) Decorative shrubbery along a portion of the front facade to soften the impact of the large building.

Comments from the public:

Charles Garcia, engineering firm of Freeland and Kauffman, Inc., and speaking for Wal-Mart – Has been working several months with staff in developing the site plan. The city asked Wal-Mart if they would consider extending Arlington Street all the way through to Old Concord Road. Wal-Mart felt this was in the best interest of everyone, and the road extension has been incorporated into the site plan. The flood study for FEMA is required for the Arlington Street extension due to the fill that's required to bring the road up to a certain elevation. The development of the Wal-Mart store does not necessitate the FEMA study. The three issues in question at this point have been whittled down from a much larger number. Wal-Mart has

agreed to the majority of the recommendations from the Technical Review Committee, even though they were not requirements. He feels that Wal-Mart will agree with items (2) and (3) mentioned above. However, on item (2) he is requesting that the store manager, at certain times during the year, be allowed to request a permit from the city for possible temporary storage in the parking area for outdoor sales. As for the sidewalk issue, he has worked on quite a few projects and this has never come up. He questioned how you could get a shopping cart up on the sidewalk, bring it down to your car, jump a six-inch curb, and bring the shopping cart between two cars to the back of your car where you'll unload the shopping cart. He doesn't see how this will work. If the sidewalks are built, they will not be used. People with shopping carts and baby strollers will not be able to use the sidewalks. There is not enough width in the property to obtain this without reducing the parking spaces below what Wal-Mart will accept, which will essentially kill the project.

Curry Krider, property owner – Arlington Street Extension has been listed on the Thoroughfare Plan since 1986. The road is on the state's Transportation Improvement Plan for construction in 2005. He's donating the right-of-way for the road and Wal-Mart is paying for the construction. It's going to cost the state one-quarter of what it would have cost in 2005 to extend this street. Twenty-three issues had been presented to Wal-Mart, which they have met. Does not see the sidewalk issue as being practical.

Glenn Ketner, Jr. – There have been many different proposed uses for this property. Access has generally been the major problem with this site. That access problem has been solved here in a way that's compatible with the state of N. C. and the developer. This is a good project. Development of this road will relieve major traffic. The developer has met all code requirements and has gone far beyond what the code requires.

Sandra Russell, 509 Harrell Street – Hopes that Wal-Mart takes into consideration the adjoining property owners in the Fairview Heights subdivision as far as landscaping so that the residents won't have to look at the back of the store. Would like for Wal-Mart to beautify not only the front of the store but also the rear of the store. Concerned that her property would be devalued.

Board Discussion:

Sean Reid – Moved to send this matter to a committee. The motion was seconded by Elaine Stiller. During discussion, Rodney Queen commented that this store will offer a lot of employment and will keep a lot of retail sales in the city. This is a plus in that they are trying to rehabilitate that area. Extending Arlington Street all the way through to Old Concord Road really opens up a lot of opportunity that would be costly for the city to do and probably wouldn't get that much support from the state. Agrees totally with Mr. Garcia about the sidewalks. We should look for safety in the parking lot but feels that very few people would use the sidewalks which would probably become a collection center for most of the shopping carts. It would also take away from needed parking spaces to create something that wouldn't be used. He would approve the plan without going to a committee and without the sidewalks. Leigh Ann Loeblein stated this was a very important entrance into the city and appreciates all the work city staff and Wal-Mart representatives have done. She agrees with deleting item (1) concerning requiring sidewalks. She would rather see large shade trees along Interstate 85 rather than the dogwoods

as indicated on the site plan. Given the elevation of I-85, a large shade tree would be a much nicer view from I-85. She does not think it needs to go to a committee. Sean Reid and DeeDee Wright voted in favor of the motion to send the matter to a committee. Jeff Smith, Leigh Ann Loeblein, Rodney Queen, Elaine Stiller, Fred Dula, Eldridge Williams, John Daniels, and Brian Miller voting NAY. The motion failed.

Leigh Ann Loeblein moved to recommend approval of the site plan along with items (2) and (3) of the TRC's recommendations (and omitting item (1) dealing with sidewalks) with the addition of shade trees rather than ornamental trees along the interstate. The motion was seconded by Brian Miller with all members voting AYE.

G-13-1999 Bringle Ferry Commons, Bringle Ferry Road
(Rodney Queen removed himself from the Board during discussion of this case.)

This site plan was previously approved by Planning Board and City Council. There has been a decrease in the number of units proposed to be built. There are no other changes to the site plan. The Technical Review Committee recommends approval noting the following conditions: (1) the developer shall petition for the entire property to be annexed into the city limits and (2) the developer shall submit three names for the private drive for approval by Rowan County Planning Department. Sean Reid moved to recommend approval, along with the two conditions. The motion was seconded by John Daniels with all members voting AYE.

G-4-1998 1107 Boulevard Place, 1107 Statesville Boulevard

This site plan has previously been approved. The developer has submitted an application for the addition of an elevator on the outside of the existing building. The Technical Review Committee recommends approval. On a motion by Leigh Ann Loeblein, seconded by Brian Miller, with all members voting AYE, the site plan was recommended for approval.

G-2-1996 Innes Street Market

This site plan has previously been approved. The developer has submitted an application for the addition of four small shops to be constructed on the west side of Jersey Mike's restaurant. The Technical Review Committee recommends approval. On a motion by John Daniels, seconded by Fred Dula, with all members voting AYE, the site plan was recommended for approval.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary